

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
BRIEF &
APPENDIX**

RE: DOCKET NO. 76-CIV. 1791
77-7053 C.H.T.
MAR 24 1977

A. DANIEL FUSARO, CLERK
UNITED STATES COURT OF APPEALS

BRIEFS & APPENDICES

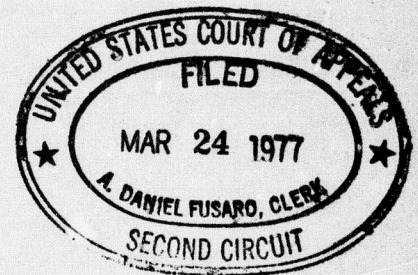
77-7053

Appendix to Briefs

1. Legal Husband

B

I, Thomas L. Gaines Jr., of New Rochelle, New York was legally married to Irene Penn on August 20, 1941 and we were never legally divorced. At no time did I abandon my wife. I was ordered to leave by the Judge of the City Court of New Rochelle, Hon. Sol Rubin (on record). At the time of the separation my wife refused any help. I left town but stayed in contact with my wife. At no time did my wife ask for money and at no time did she ask for a divorce.



Thomas L. Gaines Jr.

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2. No Beneficiary

The Metropolitan Life Insurance Company states: If there be no designated beneficiary as to all or any part of the insurance payable for which there is no designated beneficiary, insurance shall be payable to the person or persons listed below surviving at the date of the employee's death, in the following order of precedence: To the widower of the employee. The Metropolitan Life Insurance Company is not interested in the life we lived while we were separated. The Metropolitan Insurance Company only wants the legal husband to get the money. It has been proven that I, Thomas L. Gaines, Jr., am the legal widower.

Thomas L. Gaines Jr.

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3. False Testimony

Mr. Edward Manning testified in the United States District Court, under oath, that he did not know that I, Thomas L. Gaines, Jr., ever existed. Yet, when Mr. Edward Manning filled out the Claim for Death Benefits at the Veteran's Administration, prior to the above court appearance, he was asked how many times Irene Penn had been married and he answered twice. Mr. Manning was asked the name of the first husband and he answered, Thomas L. Gaines, Jr. Mr. Manning was asked how was the marriage terminated and he answered by death. Any false statement made in this claim for death benefit is subject to punishment; \$10,000 fine or 5 years in jail or both.

Exhibit B-1, No. 27 and 28

Thomas L. Gaines Jr.